GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4344
ANSWERED ON:18.12.2001
CURTAILMENT IN POWERS OF NHRC
PRAHLAD SINGH PATEL

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government have curtailed powers of National Human Rights Commission;

(b) if so, the details thereof;

(c) whether National Human Rights Commission cannot initiate its inquiry if any judicial inquiry is being conducted at State level; and

(d) if so, the reasons therefor ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (CH.VIDYASAGAR RAO)

(a) & (b): The Government have not curtailed the powers of the National Human Rights Commission (NHRC) as provided for in the Protection of Human Rights Act, 1993 (PHR Act, 1993).

(c) & (d): As per Section 36 (1) of the PHR Act, 1993, the Commission shall not enquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.Moreover the Commission in accordance with Section 10(2) of the PHR Act has made it own procedure with regard to dealing with complaints/suo-motu action in which ordinarily the Commission does not entertain any matter which is sub judice before a Court/Tribunal.